

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code sections 17A.3 and 29C.8(3)“c,” the Homeland Security and Emergency Management Division hereby amends Chapter 1, “Organization,” Iowa Administrative Code.

These amendments to the rules reflect the formal change in the Division’s name that has occurred in the Code of Iowa.

In compliance with Iowa Code section 17A.4(3), the Division finds that notice and public participation on these amendments are unnecessary because these amendments merely make changes in those instances where the Division’s name needs to be updated to reflect the current Code of Iowa.

These amendments are intended to implement Iowa Code chapter 29C.

These amendments will become effective on August 18, 2010.

The following amendments are adopted.

ITEM 1. Amend rule 605—1.1(29C) as follows:

605—1.1(29C) Description. The homeland security and emergency management division is a division within the department of public defense.

1.1(1) Director. The adjutant general, as the director of the department of public defense under the direction and control of the governor, shall have supervisory direction and control of the homeland security and emergency management division and shall be responsible to the governor for the carrying out of the provisions of Iowa Code chapter 29C. In the event of disaster beyond local control, the adjutant general may assume direct operational control over all or any part of the emergency management functions within this state.

1.1(2) Administrator. The homeland security and emergency management division shall be under the management of an administrator appointed by the governor. The administrator shall be vested with the authority to administer homeland security and emergency management affairs in this state and shall be responsible for preparing and executing the homeland security and emergency management programs of this state subject to the direction of the adjutant general. The administrator, upon the direction of the governor and supervisory control of the director of the department of public defense, shall: prepare a comprehensive plan and emergency management program for homeland security, disaster preparedness, response, mitigation, recovery, emergency operation, and emergency resource management of this state; make such studies and surveys of the industries, resources and facilities in this state as may be necessary to ascertain the capabilities of the state for disaster recovery, disaster planning and operations, and emergency resource management, and to plan for the most efficient emergency use thereof; provide technical assistance to any local emergency management commission or joint commission requiring such assistance in the development of an emergency management program; implement planning and training for emergency response teams as mandated by the federal government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986 42 U.S.C. § 9601 et seq.; the administrator, with the approval of the governor and upon recommendation of the adjutant general, may employ a deputy administrator and such technical, clerical, stenographic and other personnel and make such expenditures within the appropriation or from other funds made available to the department of public defense for purposes of emergency management, as may be necessary to administer the purposes of Iowa Code chapters 29C, 30, and 34A.

ITEM 2. Amend rule 605—1.2(29C), introductory paragraph, as follows:

605—1.2(29C) Definitions. The following definitions are applicable to the homeland security and emergency management division:

ITEM 3. Amend rule **605—1.2(29C)**, definitions of “Administrator” and “Division,” as follows:
“*Administrator*” means the administrator of the homeland security and emergency management division of the department of public defense.

“*Division*” means the homeland security and emergency management division of the department of public defense.

ITEM 4. Adopt the following new definition of “Homeland security” in rule **605—1.2(29C)**:
“*Homeland security*” means the detection, prevention, preemption, and deterrence of and protection from attacks targeted at state territory, population, and infrastructure.

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